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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 CORTNEY JAMES STAHL,

9 Petitioner,

10 v.

11 RON HAYNES,

12 Respondent.

C20-486 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) Petitioner's Motion to Amend, docket no. 36, is DENIED. Petitioner seeks
16 to amend his petition to "include claims based on newly discovered evidence of
17 prosecutorial misconduct and suppression of evidence" related to one of the State's
18 witness's, Jose Leon, criminal history. Mot. to Amend at 1-2. Petitioner additionally
19 asks the Court to stay this matter so that he may return to Washington State Court to
20 exhaust these new claims. *Id.* Any new claims, however, are procedurally barred under
21 state law as it has been more than one year since his Judgment and Sentence became
22 final.¹ *See* RCW 10.73.090(1). Federal habeas review of defaulted claims is barred
23 unless a petitioner can demonstrate cause and prejudice, or a fundamental miscarriage of
justice. *Coleman v. Thompson*, 501 U.S. 722, 750 (2007). Petitioner's Motion fails to

¹ Under RCW 10.73.090(3)(b), a judgment becomes final for purposes of state collateral review on the date that the appellate court issues its mandate disposing of a timely direct appeal from the conviction. Division One of the Washington State Court of Appeals issued its mandate in Petitioner's case on January 12, 2018. Mandate (docket no. 10, Ex. 24).

1 establish cause and prejudice or a fundamental miscarriage of justice. For these reasons,
2 permitting Petitioner to amend his petition and staying the case would be futile.

3 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
4 record.

5 Dated this 12th day of October, 2021.

6 Ravi Subramanian
7 Clerk

8 s/Gail Glass
9 Deputy Clerk